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10/681,082	10/08/2003	Shinichi Morishima	450100-02166.1	6247

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EXAMINER	
TRAN, THAI Q	
ART UNIT	**PAPER NUMBER**
2616	

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	**Application No.** 10/681,082	**Applicant(s)** MORISHIMA ET AL.	
	Examiner Thai Tran	**Art Unit** 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 09/435,961.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

2. Claims 30-31 are objected to because of the following informalities:

Claims 30-31 should be changed to apparatus claims instead of method claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 16-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al (US Patent No. 5,517,652) in view of Ubillos (US 5,999,173).

Regarding claim 16, Miyamoto et al discloses a data recording and/or reproducing apparatus (Fig. 1) comprising recording and/or reproducing means (file 8 of Fig. 1, col. 3, lines 21-32) for recording and/or reproducing data for a recording medium, at least one input port (user terminals 2-4 of Fig. 1, col. 3, lines 21-31) and at least one output port (user terminals 2-4 of Fig. 1, col. 3, lines 21-31), said input port and the output port time-divisionally accessing said recording and/or reproducing means (the capabilities of recording and reproducing data requested from one user terminal disclosed in col. 3, lines 51-64), said input port outputting the data inputted to said recording and/or reproducing means and said output port being fed with the data reproduced by said recording and/or reproducing means to output the data (encode, decode, and edit the data disclosed in col. 3, lines 51-64). However, Miyamoto et al does not specifically discloses that the recording medium is a non-linear accessible recording medium; level detection means for detecting the level of audio data contained in data inputted to and outputted from the input and output ports; and display means fed with level data detected by said level detection means for displaying the audio level inputted to and, outputted from the input and output ports based on said level data.

It is noted that non-linear accessible recording medium such as disk or disc having random access capability is old and well known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known disk or disc into Miyamoto et al in order to reduce the time of searching the desired video or audio signals recorded on the recording medium by taking the advantage of the random accessibility of the well known disk or disc.

Additionally, Ubillos teaches an apparatus for video editing with video clip representations displayed along a time line having level detection means (audio clip 67 disclosed in col. 8, lines 46-56) for detecting the level of audio and display means (audio clip 67 disclosed in col. 8, lines 46-56) fed with level data detected by said level detection means for displaying the audio level based on said level data.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the edit user interface as taught by Ubillos into Miyamoto et al's system in order to simplify the process of editing the recorded video signal of Miyamoto et al.

Regarding claim 17, Ubillos also discloses the claimed

control means fed with level data detected by said level detection means for outputting control data for displaying the audio level (programmed microprocessor 31 disclosed in col. 4, lines 30-35 and audio clip 67 disclosed in col. 8, lines 46-56); and

a monitor provided on a front side of the data recording and/or reproducing apparatus for displaying thereon the audio level of said audio data based on the control data outputted by said control means (computer monitor 36 disclosed in col. 4, lines 36-45 and audio clip 67 disclosed in col. 8, lines 46-56);

said control means outputting control data configured for performing control so that respective channels of said audio level will be displayed from port to port in display areas of said monitor based on the numbers of said input and output ports, the number of the audio levels that can be displayed in the respective display areas of said monitor, the number of channels contained in the audio data inputted or outputted to or from the respective ports and on said level data (adding second and third audio clips to tracks B' and C' to specify a three-channel audio soundtrack disclosed in col. 8, lines 46-56).

Regarding claim 18, Ubillos discloses the claimed

switching means for switching level meters displayed on said display areas in terms of a plurality of said channels as a unit, and for displaying the switched level meters, if the audio level of all channels of said audio data cannot be displayed in said display area of said monitor (adding second and third audio clips to tracks B' and C' to specify a three-channel audio soundtrack disclosed in col. 8, lines 46-56).

Regarding claim 19, Ubillos discloses the claimed wherein if said input port and the output port are previously combined on the one-to-one basis and selected in this state, said control means outputs control data configured to cause the audio level of audio data inputted to or outputted from the combined input and output ports to be displayed in the display areas of said monitor (adjusting audio level disclosed from col. 8, line 57 to col. 9, line 15).

Regarding claim 20, Ubillos additionally discloses the claimed wherein time codes of said data inputted to or outputted from the respective ports are displayed in each display area of said monitor (the time code disclosed from col. 10, line 63 to col. 11, line 2).

Regarding claim 21. Miyamoto et al discloses the claimed

a port selection switch for selecting said input port and/or the output port (the capabilities of recording and reproducing data requested from one user terminal disclosed in col. 3, lines 51-64) and Ubillos discloses the claimed said control means outputting to the port-based audio level displayed in the display area of said monitor control data configured to display the audio level of the port selected by said port selection switch in a manner different from the audio level of the other non-selected port (audio clip 67 disclosed in col. 8, lines 46-56).

Regarding claim 22, Ubillos discloses the claimed wherein

the outputted control data performing control so that the audio level of the port selected by said port selection switch is displayed at a first luminance level and wherein the audio level of the non-selected port is displayed at a second luminance level different from said first luminance level (audio clip 67 disclosed in col. 8, lines 46-56 and specifying color disclosed in col. 9, lines 50-65).

Method claims 23-29 are rejected for the same reasons as discussed in the corresponding apparatus claims 16-22 above.

Regarding claim 30, Miyamoto et al discloses a data recording and/or reproducing apparatus (Fig. 1) comprising recording and/or reproducing means (file 8 of Fig. 1, col. 3, lines 21-32) for recording and/or reproducing data for a recording medium, at least one input port (user terminals 2-4 of Fig. 1, col. 3, lines 21-31) and at least one output port (user terminals 2-4 of Fig. 1, col. 3, lines 21-31), said input port and the output port time-divisionally accessing said recording and/or reproducing means (the capabilities of recording and reproducing data requested from one user terminal disclosed in col. 3, lines 51-64), said input port outputting the input data to said recording and/or reproducing means, said data reproduced from said recording and/or reproducing means being inputted to said output port and outputted therefrom, wherein the apparatus comprises storage means for storing pre-set values of the input level of said data inputted to said input data and said output data (programmed microprocessor 31 disclosed in col. 4, lines 30-35 and encode, decode, and edit the data disclosed in col. 3, lines 51-64); and port selection means (the switches disclosed in col. 4, lines 5-8) for selecting the input port and the output port. However, Miyamoto et al does not specifically discloses that that the recording medium is a non-linear accessible recording medium; memory position displaying means in the adjustment volume for displaying an adjusted graduated position; and control means for reading out the pre-set value stored in said storage means for displaying the pre-set values on said graduated position displaying means on adjusting the input level at said input port and the output port by the adjusting volume and on selecting the input port and the output port by said port selection means.

It is noted that non-linear accessible recording medium such as disk or disc having random access capability is old and well known in the art and; therefore, Official Notice is taken.

Additionally, Ubillos teaches an apparatus for video editing with video clip representations displayed along a time line having memory position displaying means (audio clip 67 disclosed in col. 8, lines 46-56 and adjusting the audio level disclosed from col. 8, line 57 to col. 9, line 15) in the adjustment volume for displaying an adjusted graduated position; and control means for reading out the pre-set value stored in said storage means for displaying the pre-set values on said graduated position displaying means on adjusting the input level at said input port and the output port by the adjusting volume and on selecting the input port and the output port by said port selection means (adjusting the audio level disclosed from col. 8, line 57 to col. 9, line 15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the edit user interface as taught by Ubillos into Miyamoto et al's system in order to simplify the process of editing the recorded video signal of Miyamoto et al.

Regarding claim 31, Ubillos also discloses the claimed wherein the apparatus further comprises light emission display means (monitor 36 disclosed in col. 4, lines 46-59 and specifying color of the overlay clip disclosed in col. 9, lines 50-65) and wherein if the input port and the output port are selected by said port selection means, the light emission displaying means of the adjustment means associated with the selected port emits light (monitor 36 disclosed in col. 4, lines 46-59 and specifying color of the overlay clip disclosed in col. 9, lines 50-65).

Method claims 32-33 are rejected for the same reasons as discussed in claims 30-31 above.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (571) 272-7382. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ

THAI TRAN
PRIMARY EXAMINER